

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-10 have been canceled in favor of new claims 11-14. Support for the subject matter of the new claims is provided in the original claims, Fig. 11, and page 27, line 2, through page 29, line 9, of the specification. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.) The new claims have been drafted to avoid the issue underlying the objection applied to claim 4 and the 35 USC 112, second paragraph, rejections applied to claims 1-10.

Claims 1 and 5-10 were rejected, under 35 USC §102(b), as being anticipated by Watanabe (US 6,317,854). Claim 2 was rejected, under 35 USC §103(a), as being unpatentable over Watanabe in view of Scholefield et al. (US 5,752,193). Claims 3 and 4 were rejected, under 35 USC §103(a), as being unpatentable over Watanabe in view of Buchholz et al. (US 5,493,569). To the extent these rejections may be deemed applicable to new claims 11-14, the Applicants respectfully traverse based on the points set forth below.

Claim 11 defines a transmission method that transmits a packet and a number of duplicate packets, such that the number of duplicates is determined from information received from a base station. The claimed subject matter provides an advantage of reducing the likelihood of transmission packet collisions (see specification page 29, lines 2-9).

Watanabe discloses retransmitting packet data, when a data collision occurs, until a feedback acknowledgement is received indicating that the packet data is successfully communicated (see Watanabe col. 5, lines 9-14, and col. 6, lines 43-52).

Scholefield discloses determining, based on broadcast priority service parameters, when to send a request for channel access (see Scholefield col. 5, lines 8-11).

Buchholz discloses querying a retry counter to determine the number of duplicate requests issued by a user module (see Buchholz col. 9, lines 15-19).

The Applicants' claimed subject matter differs from the teachings of the applied references in that multiple copies of a packet are simultaneously transmitted. Watanabe discloses sequentially transmitting duplicate packet data if an acknowledgement is not received indicating the successful communication of a previously transmitted packet. Scholefield and Buchholz do not supplement the teachings of Watanabe in this regard.

Moreover, the Applicants' claimed subject matter determines the number of duplicate packets to simultaneously transmit in accordance with information received from a base station.

In contrast, Watanabe discloses subsequently retransmitting packet data if an acknowledgement is not received for a previous transmission of the packet data, and Buchholz discloses counting the number of times a channel request is sequentially retransmitted. Scholefield does not supplement the teachings of Watanabe and Buchholz with regard to the Applicants' claimed subject matter of simultaneously transmitting a number of duplicate packets whose number is determined in accordance with information received from a base station.

Accordingly, the Applicants submit that the teachings of Watanabe, Scholefield and Buchholz, considered individually or in combination, do not anticipate or render obvious the

subject matter defined by new claim 11. Independent claims 13 and 14 similarly recite the above-mentioned subject matter distinguishing method claim 11 from the applied references, but with respect to apparatuses. Therefore, allowance of claims 11, 13, and 14 and dependent claim 12 is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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